United Nations CERD/C/SVK/CO/11-12

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined eleventh and twelfth periodic reports of Slovakia*

1. The Committee considered the combined eleventh and twelfth periodic reports (CERD/C/SVK/11-12), submitted in one document, at its 2598th and 2599th meetings (CERD/C/SR.2598 and 2599), held on 28 and 29 November 2017. At its 2609th and 2610th meetings, held on 6 December 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined eleventh and twelfth periodic reports of the State party. It also welcomes the State party's punctuality and regularity in submitting its periodic reports. The Committee expresses its appreciation for the frank and constructive dialogue with the large and multisectoral delegation of the State party and for all the information provided during the consideration of the report and the written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's ratification of the following international human rights instruments:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance, in December 2014;

(b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in December 2013.

4. The Committee welcomes the legislative and policy measures taken by the State party, which include:

(a) The amendment to the Act on Upbringing and Education — the Schools Act — which prohibits the placement of children from socially disadvantaged backgrounds in special schools solely on the basis of their socioeconomic background, adopted in June 2015;

(b) The National Strategy for Roma Inclusion by 2020 and its seven related action plans;

(c) The National Strategy for the Promotion and Protection of Human Rights, adopted in February 2015;

* Adopted by the Committee at its ninety-fourth session (20 November–8 December 2017).

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(d) The Action Plan on the Prevention of All Forms of Discrimination 2016–2019, adopted in 2015;

(e) The Action Plan on the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance, adopted in 2015;

(f) The Action Plan for the Rights of National Minorities and Ethnic Groups 2016–2020, adopted in 2015.

C. Concerns and recommendations

Statistical data

5. Despite efforts made by the State party to improve data collection, the Committee regrets that it was not provided with comprehensive and accurate data on the ethnic composition of the population. The Committee notes with concern that official data do not seem to reflect the correct number of the Roma population. The Committee also regrets that the State party did not provide comprehensive information on the living conditions and the socioeconomic status of persons belonging to ethnic minorities, in particular Roma, which limits effective monitoring of the different programmes and strategies adopted by the State party (art. 2).

6. **The Committee requests the State party to collect reliable, updated and comprehensive statistical data on the demographic composition of the population and its socioeconomic status, disaggregated by areas where the minority groups live in substantial numbers, in order to provide an adequate empirical basis for policies to enhance the equal enjoyment of rights under the Convention. The Committee also recommends that the State party improve and diversify its data collection on the ethnic composition of its population on the basis of self-identification, in particular with regard to persons belonging to the Roma minority. The Committee draws the attention of the State party to its general recommendation No. 4 (1973) concerning reporting by States parties under article 1 of the Convention.**

National human rights institution

7. The Committee notes the ongoing efforts to enhance the Slovak National Centre for Human Rights, which has regained its accreditation by the Subcommittee on Accreditation, of the Global Alliance of National Human Rights Institutions. However, it is still concerned that the Slovak National Centre for Human Rights is not yet in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and continues to be accredited with "B" status. The Committee also notes with concern the lack of adequate resources allocated to the Slovak National Centre for Human Rights (art. 2).

8. **The Committee recommends that the State party intensify its efforts to discuss and adopt the relevant legislative amendments to ensure that the Slovak National Centre for Human Rights is fully compliant with the Paris Principles, and to address the recommendations of the Global Alliance of National Human Rights Institutions' Subcommittee on Accreditation. The Committee also reiterates its previous recommendation (see CERD/C/SVK/CO/9-10, para. 15) and recommends that the State party provide the Slovak National Centre for Human Rights with adequate human, financial and technical resources to enable it to discharge its mandate effectively and independently, both as a national human rights institution and an equality body. In this respect, the Committee refers the State party to its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention.**

Implementation of the Anti-Discrimination Act

9. The Committee remains concerned that despite the prevalence of racial discrimination against different ethnic minorities, especially against Roma, Muslims and persons of African descent, the State party did not provide information on the number of

complaints lodged, investigations carried out and sanctions imposed, in cases of racial discrimination. The Committee remains concerned that court proceedings in cases of racial discrimination continue to be excessively lengthy, thus impacting negatively on effective access to justice for victims (arts. 2 and 6).

10. **In light of its previous recommendation (see CERD/C/SVK/CO/9-10, para. 7), the Committee urges the State party to:**

(a) **Intensify its efforts to ensure the full enforcement of the Anti-Discrimination Act, ensuring that all complaints involving racial discrimination are investigated effectively;**

(b) **Adopt appropriate and effective measures to address the problem of lengthy court proceedings for victims of racial discrimination and take all the steps necessary to guarantee that all victims of racial discrimination have access to effective legal remedies and compensation;**

(c) **Provide training, on a regular basis, to civil servants, judges, magistrates and law enforcement officers, with a view to ensuring the effective application of the Convention and of its legislation on racial discrimination, and to ensure that, in carrying out their duties, they respect and defend all human rights while also taking steps to eliminate racially discriminatory acts or practices;**

(d) **Organize awareness-raising campaigns for persons protected under the Convention about the Convention's provisions and the legal framework providing protection against racial discrimination.**

Racially motivated crimes

11. The Committee is seriously concerned about reports of verbal and physical attacks against ethnic minorities, including Roma, Muslims and persons of African descent. The Committee also remains concerned that, despite the measures adopted to combat extremism, activities by extremist organizations to incite racial discrimination continue to take place in the State party. The Committee notes with concern that participation in organizations or activities that incite and promote racial discrimination is not recognized as an offence in the criminal legislation, despite being proscribed in article 4 (b) of the Convention (arts. 2 and 4).

12. **In the light of its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention and No. 15 (1993) on article 4 of the Convention, and recalling its previous recommendation (see CERD/C/SVK/CO/9-10, para. 6), the Committee urges the State party to:**

(a) **Review its criminal legislation with a view to ensuring that it is fully in line with article 4 of the Convention;**

(b) **Exercise due vigilance and readiness in proceeding against organizations and activities that incite and promote racial discrimination, ensuring that participation in and the financing of such organizations and activities are prosecuted;**

(c) **Ensure that all racially motivated crimes, including verbal and physical attacks, are investigated, that perpetrators are prosecuted and punished, and that motives based on race or on skin colour, descent or national or ethnic origin are considered as an aggravating circumstance when imposing punishment for a crime.**

Hate speech

13. The Committee remains seriously concerned about persistent hate speech in the media, and on the Internet. The Committee is also concerned by the use of racist political discourse among politicians against ethnic minorities, particularly Roma, Muslims and non-citizens (arts. 2 and 4).

14. **Pursuant to its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) Adopt effective measures to prevent and combat hate speech, including by ensuring that media-related legislation is in accordance with international standards, in order to prevent, sanction and deter any manifestations of racism in the media, particularly through the Internet;

(b) Ensure that all incidents of hate speech are investigated and prosecuted and that the perpetrators are punished, regardless of their official status, and provide data on the number of hate speech cases reported, the number of prosecutions and convictions, and the number of cases in which compensation has been awarded to victims;

(c) Implement effectively the Action Plan on the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance, including by allocating adequate financial, human and technical resources;

(d) Undertake awareness-raising campaigns addressed to the public at large on respect for diversity and the elimination of racial discrimination.

Ill-treatment and excessive use of force

15. The Committee is seriously concerned at the numerous reports of excessive use of force and ill-treatment, including verbal and physical abuse, by law enforcement officers against ethnic minorities, in particular Roma. The Committee is concerned that raids in Roma settlements are often carried out without arrest or search warrants and that in many cases members of the Roma minority, including children and elderly persons, have been injured. The Committee notes with great concern that the majority of these reports are either not duly investigated, or when investigations have been initiated they have been suspended, and most complaints against law enforcement officers have been dismissed. Furthermore, the Committee is particularly concerned that an investigation for alleged false accusations has been initiated against the victims of excessive use of force during a raid in a Roma settlement in Moldava nad Bodvou, as this could deter other victims from reporting cases of police abuse or excessive use of force. The Committee deeply regrets that the State party has not yet implemented its previous recommendations regarding the establishment of an independent monitoring mechanism to investigate crimes involving police officers.

16. **Recalling its previous recommendation (see CERD/C/SVK/CO/9-10, para. 9), the Committee urges the State party to:**

(a) Take effective measures to prevent the excessive use of force, ill-treatment and abuse of authority by the police against persons belonging to minority groups, in particular Roma, including by ensuring that appropriate human rights training for law enforcement officials is conducted throughout the country, in accordance with its general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights;

(b) Ensure that all allegations of excessive use of force, ill-treatment and abuse by law enforcement officials are effectively and thoroughly investigated, and where substantiated, are prosecuted and punished, taking into account the gravity of such acts;

(c) Ensure that persons belonging to ethnic minorities, in particular Roma, who have been victims of excessive use of force by law enforcement officers have access to effective remedies and compensation, and do not face retaliation or reprisals for reporting such cases;

(d) Take all necessary measures to accelerate the establishment of an independent monitoring mechanism to investigate crimes involving police officers.

Special measures

17. The Committee regrets the lack of concrete information about the adoption and implementation of special measures to combat the persistent structural discrimination against Roma. While the Committee notes the adoption of the National Strategy for Roma Inclusion, it is concerned about the insufficient resources allocated for its effective

implementation, which is also negatively affected by challenges in terms of coordination between national, regional and local authorities (arts. 2 and 5).

18. **Recalling its general recommendations No. 27 (2000) on discrimination against Roma and No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party:**

(a) **Take all the measures necessary for the effective implementation of the Anti-Discrimination Act, and notably adopt special measures, with a view to eliminating the structural discrimination that affects Roma and removing all obstacles that prevent their enjoyment of economic, social and cultural rights;**

(b) **Intensify its efforts to ensure the effective implementation of the National Strategy for Roma Inclusion, in close collaboration and strengthened consultation with the Roma communities and civil society organizations working on Roma issues;**

(c) **Ensure the allocation of adequate resources for the implementation of the strategy, as well as effective coordination among those responsible for its implementation, such as the Plenipotentiary of Roma communities, and the national, regional and local authorities.**

Political participation of ethnic minorities

19. The Committee notes the absence of statistical data on the political representation of ethnic minorities in the State party, as well as the lack of information on measures adopted to promote their political participation (arts. 2 and 5).

20. **The Committee recommends that the State party adopt effective measures to ensure full participation in public affairs by persons belonging to ethnic minorities, in particular Roma, both in decision-making positions and in representative institutions. It also urges the State party to intensify its efforts to ensure equal opportunities for participation by ethnic minorities at all levels of national and local government, and to promote their participation in decision-making positions in the private sector. The Committee requests that the State party provide statistical data in its next periodic report on the representation of minority groups in decision-making positions and in representative institutions.**

Right to adequate housing

21. The Committee notes that the State party has adopted some measures to promote landownership for Roma communities. However, it is concerned about the limited impact that such measures are having in ending segregated housing. In addition, the Committee remains specifically concerned that:

(a) Roma people continue to live in settlements where the basic facilities such as sanitation, drinking water, electricity, sewage systems and waste disposal are lacking;

(b) Residential segregation of Roma communities persists, mostly in the eastern part of the country, including through the construction of walls that separate them from the rest of the population;

(c) In many cases, Roma continue to be at risk of forced eviction, partly due to their lack of security of tenure (art. 5).

22. **In line with its previous recommendation (see CERD/C/SVK/CO/9-10, para. 12), the Committee urges the State party to:**

(a) **Adopt appropriate and effective measures in order to provide access to adequate housing and to improve the living conditions for Roma, in genuine consultation with the affected communities and individuals concerned;**

(b) **Adopt targeted measures with a view to ending residential segregation affecting Roma, including by explicitly prohibiting construction of walls that separate Roma and non-Roma communities, and by holding accountable local authorities that encourage or adopt segregation policies;**

(c) Intensify its efforts to provide security of tenure to Roma communities, including through the legalization of informal settlements, in order to prevent forced evictions, and when they cannot be avoided, ensure that the families and individuals affected are provided with alternative adequate housing and compensation.

Right to health

23. The Committee is concerned about reports of discriminatory treatment by medical personnel against Roma and segregation of Roma, particularly women and girls, in different hospital departments. The Committee is seriously concerned by information relating to verbal and physical violence faced by Roma women when accessing sexual and reproductive health services. In addition, the Committee is concerned that, despite the information provided by the State party on the measures adopted to prevent forced sterilization and to provide compensation to victims, access to justice, reparation and compensation remains difficult for Roma women who have been subjected to forced sterilization (art. 5).

24. **The Committee urges the State party to:**

(a) Adopt all necessary measures to prevent and combat all forms of discrimination and segregation against Roma in the health-care system;

(b) Ensure that Roma, particularly women and girls, are treated with respect and without discrimination when accessing health-care services;

(c) Investigate effectively all acts of verbal and physical violence as well as discriminatory treatment, against Roma in the health-care system, and prosecute and sanction those responsible;

(d) Carry out activities and training aimed at raising awareness among medical personnel to eliminate racially discriminatory acts or practices;

(e) Ensure that Roma women who were victims of sterilization without their informed consent have access to effective remedies and adequate compensation, and that perpetrators are brought to justice, and that legislation and regulations on informed consent in situations of sterilization are enforced effectively.

Right to education

25. Despite the measures taken to prevent the placement of children in special schools on the basis of their social background, and to provide access to preschool education to Roma children, the Committee remains seriously concerned about the persistent, widespread and systemic discrimination and segregation affecting Roma children in the education system (arts. 2, 3 and 5).

26. **In the light of its previous recommendation (see CERD/C/SVK/CO/9-10, para. 11), the Committee recommends that the State party:**

(a) Take all necessary measures to address the root causes of discrimination and segregation of Roma children in the education system, taking into account that conditions of racial segregation are not necessarily created by government policies but may arise as an unintended by-product of actions of private persons leading to social exclusion;

(b) Enforce effectively the Schools Act and the Anti-Discrimination Act, in order to eliminate the overrepresentation of Roma children in specialized classes or schools, and take adequate steps to integrate them into mainstream education;

(c) Intensify its efforts to ensure that Roma children enjoy equal opportunities in access to quality education, including preschool education, with the aim of preventing their future segregation in the education system.

Refugees and asylum seekers

27. The Committee notes with concern the information that asylum seekers, including unaccompanied children and families with children, are often detained for extensive periods

of time and that the alternatives to detention are rarely made available to them. In addition, while the Committee notes the information provided on the Integration Policy of Slovakia, it regrets the lack of comprehensive and detailed information on its implementation and impact, especially in relation to access by non-citizens to education, employment, housing and social protection without discrimination (arts. 2 and 5).

28. **The Committee urges the State party to ensure that no child is detained because of his or her migration status, to provide alternatives to the detention of asylum seekers, and to use detention only as a measure of last resort and for the shortest appropriate period. The Committee also urges the State party to ensure that the conditions in detention and reception centres are brought into conformity with international standards. The Committee requests the State party to include, in its next periodic report, information on results of the implementation of the Integration Policy of Slovakia, with regard to access to education, employment, housing and health care by non-citizens such as migrants, refugees and asylum seekers, without discrimination.**

D. Other recommendations

Ratification of other instruments

29. **Bearing in mind the indivisibility of all human rights, the Committee urges the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

Follow-up to the Durban Declaration and Programme of Action

30. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference held in April 2009, and that it report accordingly.**

International Decade for People of African Descent

31. **In the light of General Assembly resolution 68/237, the Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in the framework of the International Decade for People of African Descent, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

32. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations concerned with human rights protection, in particular those working to combat racial discrimination, in the preparation of the next periodic report and in follow-up to the present concluding observations.**

Follow-up to the present concluding observations

33. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14 (a) and 22 (b) above.**

Paragraphs of particular importance

34. **The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 8, 16, 24 and 28 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

Dissemination of information

35. **The Committee recommends that the State party's reports be made readily available to and accessible by the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.**

Preparation of the next periodic report

36. **The Committee recommends that the State party submit its thirteenth periodic report by 1 January 2020, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**